

Year 2001 Model Guardianship Forms

The Model Forms contained in this volume are offered as an aid to guardians and attorneys alike, to use as tools in their Guardianship practice.

The Model Forms provide illustrative examples of the documents required to accomplish the various responsibilities and activities of a guardian imposed or permitted by the Revised Code of Washington. Since many of the forms are "legal forms," they can provide a starting point for the attorney and the guardian to work together in providing the type and quantum of information required by law and the courts in order to successfully achieve each result.

Third, the forms can serve as a resource for the courts which, by custom or choice, adopt mandatory Guardianship forms in the interest of promoting increased consistency and a higher level of professionalism. Further, these forms may serve as draft forms which the guardian can utilize in providing necessary information to their counsel and to the court.

However, a word of caution is in order. Most of the forms are legal in nature. The Washington State Supreme Court has decided and held that even the mere selection of which legal forms to use can constitute the practice of law. This necessitates that careful thought be given to the collaborative work of guardians and their counsel in their decisions to allocate responsibilities. Each guardian who is not an attorney will need to adopt a consultation relationship with an attorney, as minimum, and which may be apart from representation of the guardian in a specific proceeding.

As with all forms, these are time-dated. Each year the Legislature meets, the courts hand down more decisions, and various rules and procedures are adopted, modified or updated. Therefore, it is planned that the Model Forms will be reviewed and republished each year, after the close of the legislative session, to provide the most current and correct forms to practitioners in the Guardianship area. As with the 2000 Model Forms, the legal forms were rigorously reviewed by an open panel of over thirty judges, guardians, and lawyers in an attempt to provide the most useful and correct tools to those in the field. Many suggestions were received during the last year, which have now been incorporated into this set.

These forms have been presented to and approved for publication by the Professional Guardian Certification Board, so as to make a high quality standard set available to all, on a statewide basis. However, neither the Board, the Forms Committee, nor the peer reviewers can be responsible for their ongoing correctness or use, as the decision of when and how to use each is a decision personal to the guardian, acting upon advice of counsel. With these disclaimers, ongoing suggestions and comments are welcome, and should be forwarded to:

Model Guardianship Forms Committee
King County Guardianship & Elder Law Section
900 Fourth Avenue, Suite 600
Seattle, WA 98164-1060